



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,925	03/30/2001	Bradford H. Needham	PW 027 5024 P-10877	8278

7590 09/28/2006

Crystal D Sayles
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard Seventh Floor
Los Angeles, CA 90025

EXAMINER

AGGARWAL, YOGESH K

ART UNIT PAPER NUMBER

2622

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,925

Applicant(s)

NEEDHAM, BRADFORD H.

Examiner

Yogesh K. Aggarwal

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-16, 26 and 28-30 is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Response to Arguments

1. Applicant's arguments, filed 05/03/2006, with respect to claims 1-6, 8-26 and 28-30 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (US Patent # 5,745,126).

[Claims 17 and 20]

Jain et al. teaches an apparatus for automatically annotating a digital representation, comprising an electronic capture device (hand-held video camera) to capture a digital representation of an object (col. 36 lines 45-52);

a tag-reader (there will inherently be a barcode-reader) to retrieve identification data from an identification tag device (bar-code ~~device~~) located at the object, wherein the identification tag device is utilized to store the identification data identifying a location of the object (col. 36 lines 52-63 teach that a bar-code being used as "helps" for the computer central to determine where an individual user is and in which direction the user is pointing, therefore bar-code inherently stores identification data identifying a location of the user as well as the location of the object);

a communication device (inherently in the video-camera) to communicate with a database (computer-central), wherein the database is utilized to store information for the

Art Unit: 2622

identification tag device, and when identification data is transmitted to the database, information for an annotation provider is transmitted from the database to the communication device (col. 36 line 45-col. 37 line 17 teach that bar-codes send information to the computer central to determine where an individual user is and in which direction the user is pointing and based on that information the computer-central which inherently should have some predetermined information linking the bar-code with the textual and audio overlay i.e. annotations that are sent back to the user to be overlaid on the image).

[Claim 19]

It would be inherent in Jain that the communication device includes a processing device that is associating the captured digital representation with a particular identification tag device in order to send the image and the barcode information correctly to the computer central and to receive an annotation back from the user.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (US Patent # 5,745,126) in view of Myers (2002/0101519).

[Claims 18 and 21]

Art Unit: 2622

Jain fails to teach wherein the communication device and tag-reader is part of the electronic camera. However Myers teach a communication device and a tag-reader that are part of the electronic capture device (Paragraphs 19 and 23, figure 1, elements 3 and 4).

Therefore taking the combined teachings of Jain and Myers, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a communication device and a tag-reader that are part of the electronic capture device in order to have a compact device.

Allowable Subject Matter

6. Claims 1-6, 8-16, 26 and 28-30 are allowed.

7. The following is an examiner's statement of reasons for allowance: The prior art of record, neither anticipates nor renders obvious the following limitations as claimed:

[Claim 1]: A system for automatically linking a digital representation comprising ".... a communication device to communicate with the database, wherein when the identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device; and a program to be executed by the communication device, the program to enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation".

[Claim 10]: This claim is a method claim corresponding to apparatus claim 1.

[Claim 26]: An apparatus for automatically annotating a digital representation, comprising "....an input/output (I/O) device to transfer data between the memory and a communication device, wherein the communication device transfers the identification data to a database, wherein

Art Unit: 2622

the network address of an annotation provider associated with the information tag device is stored in the database”.

8. Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The prior art fails to teach or suggest wherein the information includes a network address of the annotation provider of annotations of the scene.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2622

YKA

September 26, 2006

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a large, stylized loop at the end.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600